

REMARKS

Claim 19 has been canceled. Claims 1 and 20 have been amended to incorporate the limitations of claim 19. Upon entry of this amendment, claims 1 – 6, 9 – 12, 14 – 18, and 20 – 22 will be pending. No new matter has been added.

Rejections Under 35 U.S.C. § 102(b)

Claims 1 – 6, 9 – 12, 14 – 18, and 20 – 22 have been rejected under 35 U.S.C. 102(a) as allegedly being anticipated by WO 01/90244, as interpreted by the English language equivalent Fujita et al. (US 6,831,130, “Fujita ‘130”). Because WO 01/90244 was published on November 29, 2001, which was more than a year before the filing date of PCT/JP2003/009126, WO 01/90244 is prior art under 35 U.S.C. 102(b).

Applicants traverse the rejections. However, to advance prosecution, Applicants have amended independent claims 1 and 20 to incorporate the limitations of claim 19.

Claims 1 and 20, as amended, requires “component (D) is used in an amount of 0.025 to 5 parts by weight relative to 100 parts by weight of component (A).” As the Examiner has admitted, Fujita ‘130 does not specifically teach an amount of metal soap. Office Action, page 3. Therefore, Fujita ‘130 does not teach each and every limitations of the instant claims.

For at least the reason stated above, the claims, as amended, are not anticipated by Fujita ‘130, and withdrawal of the rejections is respectfully requested.

Rejections Under 35 U.S.C. § 103(a)

Claim 19 has been rejected under 35 U.S.C. 103(a) as being unpatentable over WO 01/90244, as interpreted by the English language equivalent Fujita ‘130. Claims 19 has been canceled. Independent claims 1 and 20 have been amended to incorporate the limitations of claim 19. Applicants traverse the rejection with respect to claims 1 – 6, 9 – 12, 14 – 18, and 20 – 22.

As the Examiner has admitted, Fujita ‘130 does not teach the amount of metal soap as recited in instant claims 1 and 20, as amended. The Examiner contended that the skilled artisan would have found an amount of metal soap within the claimed range to have been obvious or at least within routine experimentation and/or optimization of the teachings of Fujita ‘130.

Applicants respectfully point out that while Fujita '130 discloses metal soaps, they are used as antisagging agent (see col. 50, lines 61 – 64), not as a component for improving mold release properties as used in the present invention (see Specification, page 57, line 24 – page 58, line 3). Therefore, it would not have been obvious for a skilled artisan to use the amount of metal soap within the claimed range.

Further, a particular parameter must first be recognized as a result-effective variable, i.e., a variable which achieves a recognized result, before the determination of the optimum or workable ranges of said variable might be characterized as a routine experimentation. MPEP 2144.05 II B, *In re Antonie*, 559 F.2d 618, 195 USPQ 6 (CCPA 1977). In this case, the desired result of the present invention, i.e., improving mold release properties, is not recognized by Fujita '130 at all. Therefore, a skilled artisan would not have been able to find the amount of metal soap within the claimed range through routine experimentation and/or optimization.

For at least the reasons stated above, a *prima facie* case of obviousness has not been established, and withdrawal of the rejections is respectfully requested.

CONCLUSION

The claims are believed to be allowable.


The Examiner is invited to contact the undersigned at (202) 220-4200 to discuss any matter concerning this application.

In the event that the filing of this paper is deemed not timely, Applicants petition for an appropriate extension of time. The Office is authorized to charge any additional fees or credit any overpayments to deposit account 11-0600 of Kenyon & Kenyon LLP.

Respectfully submitted,
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